

**Arkansas Department of Education
Annual School Election Requirements and Timelines
2011 Election**

A. GENERAL INFORMATION

The following are highlights of various legal requirements.

1. Date of Annual School Election for 2011 - September 20, 2011; hours are continuous from 7:30 a.m. until 7:30 p.m. (Ark. Code Ann. § 7-5-304 and § 6-14-102).
2. The school districts shall be responsible for paying direct costs for the election (Ark. Code Ann. § 6-14-118). If more than one school district exists in the county where the election takes place, Ark. Code Ann. § 6-14-118 sets forth a formula to determine each district's share of the election expenses.
3. If the tax rate proposed in the school election is rejected, the tax rate last approved by the electors in the district will continue to be levied. There are two exceptions to this rule: First, if there is a debt service millage pledge to a commercial bond that has been completely serviced, then that debt service millage shall not be levied. Second, if the operation of Arkansas Constitution Article 14, Section 3(b) or (c) (2) adjusts the millage levied, then the adjusted millage shall be levied.
4. Absentee ballots shall be delivered to County Clerk not later than August 16, 2011, so they will be available for absentee voters. (Ark. Code Ann. § 7-5-407(a))
5. Any levy of a dedicated maintenance and operation millage shall be limited as set forth in subsection (b) of this section and shall not exceed three (3) mills. (Ark. Code Ann. § 26-80-110(2)(c))

B. PUBLICATION OF THE BUDGET, PRINTING OF BALLOTS AND SCHOOL ELECTION DATES

1. The proposed 2012-13 budget of estimated expenditures should be prepared, approved by the school board, and recorded in the minutes on or before July 22, 2011. (Ark. Code Ann. § 26-80-102) some districts may need to seek approval of the 2012-13 proposed budget at the June board meeting in order to meet the deadline. The proposed 2012-13 budget shall be published on or before July 22, 2011, if the publication is in a daily newspaper. If the advertisement is placed in a weekly newspaper, it shall be published by the week of July 18, 2011. It is suggested that the proposed budget be published at least one week prior to the legal deadline to allow for corrections if an error is printed.
2. The statutory requirement (Ark. Code Ann. § 6-13-622) to publish a budget follows:
 - (a) The requirement of Arkansas Constitution, Amendment 74, for publication of the budget shall be discharged by the board of directors of each school district by publication of its budget one (1) time in some newspaper published in the county in which the district lies or, if the district lies in more than one (1) county, in the county in which the district is administered.
 - (b) The publication shall be made not less than sixty (60) days before the school election at which the annual ad valorem property tax for the district is decided by the electors.

3. The ballot format should be checked carefully on or before August 21, 2011 to ensure that the total tax rate is listed on the ballot. The ballot should also list separately the millage to be voted for maintenance and operation, dedicated maintenance and operation, and debt service.
4. The ballot should be printed on or before August 16, 2011, to allow for corrections in the event there are errors and to provide ballots for absentee voting.
5. Ark. Code Ann. § 6-14-102 sets forth the following requirements:
 - (a) (1) The annual school election shall be held in each school district of the state on the third Tuesday in September.
 - (b) The board of directors of any school district shall have the authority to hold a school election concerning the tax rate or debt issues on a date other than that fixed by law, provided that:
 - (1) All constitutional and statutory requirements for the annual school election are met;
 - (2) The election is held before the date of the annual school election; and
 - (3) The Commissioner of the Department of Education approves the date of the election.

C. SCHOOL BOARD ELECTION INFORMATION

1. JUNE 22, 2011 TO JULY 22, 2011

PETITION FOR CANDIDATE FOR SCHOOL BOARD (Ark. Code Ann. § 6-14-111)

- (b) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes shall prepare and furnish ballots and all other necessary supplies for the annual school election.
- (c) The candidate for a position on the board of directors of a school district may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and either:
 - (1) A petition; or
 - (2) A notice of write-in candidacy
- (d)(1) The petition shall be directed to the county clerk and shall contain the names of at least twenty (20) registered voters who are residents of the school district and, if applicable, the electoral zone for the position.
- (e) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the county clerk during a one-week period ending at 12:00 noon sixty (60) days before the annual school election.
- (f)(1) Candidates may begin circulating petitions not earlier than ninety (90) days before the annual school election.
- (h) The county board of election commissioners shall place on the ballot as candidates for school district director names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

QUALIFICATIONS FOR DIRECTORS (Ark. Code Ann. § 6-13-616)

- (a) No person shall be eligible to be a member of any school district board of directors in this state unless he is a qualified elector of the school district which he or she serves.
- (b) No person who is elected to a school district board of directors shall be eligible for employment in that same school district.

2. JULY 20, 2011 TO JULY 22, 2011

WRITE-IN CANDIDATES (Ark. Code Ann. § 6-14-111)

(g) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk during a one-week period ending at noon fifty-five (55) days before the annual school election:

- (1) A written notice of his or her intention to be a write-in candidate, eligibility identifying the position sought, including without limitation the position number or identifying information available;
- (2) An Affidavit of eligibility, and
- (3) the political practices pledge.

PREPARATION OF THE BALLOT

The local school board should assist the county board of election commissioners in the preparation of the ballot. Special attention should be given to requirements relative to the ballot preparation.

WHEN AUTHORIZED BY THE BOARD OF DIRECTORS (Ark. Code Ann. § 6-13-630)

The board of directors of any school district shall have the authority to provide by resolution adopted by a majority vote that a portion of the board members shall be elected by zone, at large, or a combination thereof. The resolution should be published by August 17, 2011. A candidate for a position to be elected by zones shall reside in the zone. The names of the candidates for at-large board positions shall appear upon the ballots throughout the district.

3. ON OR BEFORE AUGUST 16, 2011

Ballots for absentee voting should be delivered to the county clerk by August 16, 2011.

4. ON OR BEFORE AUGUST 31, 2011

NOTICE OF SCHOOL ELECTION (Ark. Code Ann. § 6-14-109)

- (a) The board of directors of each school district shall give notice by advertisement once a week for three (3) weeks before each election to be held within the district, setting out the time, place, and questions to be submitted to the electors at the election.
- (b) The advertisement provided for shall begin at least twenty (20) days before the date of the school election (*on or before August 31, 2011*), and shall be in a newspaper either published in or having a bona fide circulation in the county or counties in which the district is administered.
- (c) This provision for notice of school elections shall be the sole requirement for the publication of the notice.

5. ON OR BEFORE SEPTEMBER 13, 2011

EARLY VOTING. Early voting shall be available to any qualified elector who applies to the county clerk's during regular office hours, beginning seven (7) days before the election and ending on the day before the Election Day at the time the county clerk's office regularly closes. (Ark. Code Ann. § 7-5-418(2))

6. ON OR BEFORE SEPTEMBER 17, 2011

POLLING PLACES (Ark. Code Ann. § 6-14-106)

- (a) (1) The county board of election commissioners of each county shall designate all the polling sites for each school district in its respective county, including districts having territory in more than one (1) county but which are domiciled in its county for administrative purposes, and shall provide the election supplies and appoint the poll workers for holding all school elections.
- (2) The county board shall consult with each school district regarding
 - (A) the number of polling sites to be designated for each school district and
 - (B) the location of polling sites.
- (d) The board of directors of each school district shall cause to be published, by at least one (1) insertion in a newspaper with general circulation in the county or counties in which the school district is located, not more than ten (10) days nor less than three (3) days before any school election, a notice identifying the polling site for each ward or precinct. If the polling site for any ward or precinct has changed since the last school election, the notice shall indicate the change.

D. RUNOFF ELECTION INFORMATION

1. ON OCTOBER 11, 2011

RUNOFF ELECTION (Ark. Code Ann. § 6-14-121)

- (a) (1) whenever there are more than two (2) candidates for election to any position on a board of directors at any election held in this state and whenever no candidate for any school district position receives a majority of the votes cast for the office or whenever there is a tie vote, there shall be a runoff election held in the district.
- (2) The names of the two (2) candidates receiving the highest number of votes, but not a majority, shall be placed on the ballot to be voted upon by the qualified electors for that position on a school district board of directors.
- (3) The runoff election shall be held three (3) weeks following the date of the election.
- (b) The person receiving the majority of the votes cast for the position at the runoff election shall be declared elected.
- (d)(1) In the event the two (2) candidates seeking election to the same school district position shall receive the same number of votes in a runoff election, a tie shall be deemed to exist.
- (2) The county board of election commissioners shall determine the winner by lot at an open public meeting and in the presence of the two (2) candidates.

E. Sample Budgets and Ballots

Sample Budgets and Ballots are provided for each of the following circumstances:

- I No Change in Mills
- II Transfer of Mills
- III New Bond Issue
- IV Extending Existing Tax or Increase of Total Millage

NOTE: The Arkansas Statutory requirements quoted above MAY NOT be the entire text. If more information is needed, please refer to the actual code cites.

SAMPLE BUDGET I
(For Districts Proposing No Change of Mills)

INSTRUCTIONS: Listed below is a suggested form for use in publishing the budget of the district and accompanying tax rate as required by Ark. Code Ann. § 6-13-622 and Amendment 74 of the Constitution of the State of Arkansas. The district should begin with the 2011-12 budgeted expenditures for the categories listed below and then project these expenditures to an amount estimated for 2012-13 school year.

	<u>2011-12 Budget</u>	<u>Estimate 2012-13</u>
1. SALARY FUND EXPENDITURES (2011-12 budget)	\$ _____	\$ _____
2. OPERATING FUND EXPENDITURES:		
A. Instructional Expense	\$ _____	\$ _____
B. Maintenance & Operation	\$ _____	\$ _____
C. Pupil Transportation	\$ _____	\$ _____
D. Other Operating Expenses	\$ _____	\$ _____
E. Non-bonded Debt (Schedules of Payments for 2012-13)		\$ _____
DEBT SERVICE EXPENDITURES (Schedules of payments for fiscal year 2012-13)		\$ _____
BUILDING FUND EXPENDITURES (Estimated for 2012-13)		\$ _____
DEDICATED MAINTENANCE & OPERATIONS (Estimated for 2012-13)	\$ _____	\$ _____

(This page is a work sheet only; the bottom half is to be used for publication)

------(Detach along this line)-----

**PROPOSED BUDGET OF EXPENDITURES TOGETHER WITH TAX LEVY FOR
FISCAL YEAR BEGINNING JULY 1, 2012 TO AND INCLUDING JUNE 30, 2013**

The Board of Directors of _____ School District of _____ County, Arkansas in compliance with the requirements of Ark. Code Ann. § 6-13-622 and Amendment 74 of the Constitution of the State of Arkansas, has prepared, approved, and does hereby make public a proposed budget of expenditures for the district in 2012-13 together with a supporting tax rate as follows:

1. Salary Fund Expenditures	\$ _____	6. Non-bonded Debt Payment	\$ _____
2. Instructional Expense	\$ _____	7. Bonded Debt Payment	\$ _____
3. Maintenance & Operation Exp.	\$ _____	8. Building Fund Expense	\$ _____
4. Pupil Transportation Expense	\$ _____	9. Dedicated Maint. & Op. Exp.	\$ _____
5. Other Operating Expense	\$ _____		

_____ Total Mills School Tax

This represents no change from the previous year. The total tax levy proposed above includes _____ mills for the maintenance and operation of schools, _____ dedicated maintenance and operation mills dedicated for _____ purposes, and _____ mills for debt service previously voted as a continuing debt service tax pledged for the retirement of existing bonded indebtedness. The district may use surplus revenues produced each year by debt service millage for other purposes.

Given this _____ day of _____, 20____.

School District
County, Arkansas
President of Board
Secretary of Board

(Transfer of Mills)

SAMPLE BUDGET III
(For Districts Voting New Bond Issue)

INSTRUCTIONS: Listed below is a suggested form for use in publishing the budget of the district and accompanying tax rate as required by Ark. Code Ann. § 6-13-622 and Amendment 74 of the Constitution of the State of Arkansas. The district should begin with the 2011-12 budgeted expenditures for the categories listed below and then project these expenditures to an amount estimated for 2012-13 school year.

	<u>2011-12 Budget</u>	<u>Estimate 2012-13</u>
1. SALARY FUND EXPENDITURES (2011-12 budget)	\$ _____	\$ _____
2. OPERATING FUND EXPENDITURES:		
A. Instructional Expense	\$ _____	\$ _____
B. Maintenance & Operation	\$ _____	\$ _____
C. Pupil Transportation	\$ _____	\$ _____
D. Other Operating Expenses	\$ _____	\$ _____
E. Non-bonded Debt (Schedules of Payments for 2012-13)		\$ _____
DEBT SERVICE EXPENDITURES (Schedules of payments for fiscal year 2012-13)		\$ _____
BUILDING FUND EXPENDITURES (Estimated for 2012-13)		\$ _____
DEDICATED MAINTENANCE & OPERATIONS (Estimated for 2012-13)	\$ _____	\$ _____

(This page is a work sheet only; the bottom half is to be used for publication)

------(Detach along this line)-----

**PROPOSED BUDGET OF EXPENDITURES TOGETHER WITH TAX LEVY FOR
FISCAL YEAR BEGINNING JULY 1, 2012 TO AND INCLUDING JUNE 30, 2013**

The Board of Directors of _____ School District of _____ County, Arkansas in compliance with the requirements of Ark. Code Ann. § 6-13-622 and Amendment 74 of the Constitution of the State of Arkansas, has prepared, approved and does hereby make public a proposed budget of expenditures for the district in 2012-13 together with a supporting tax rate as follows:

1. Salary Fund Expenditures	\$ _____	6. Non-bonded Debt Payment	\$ _____
2. Instructional Expense	\$ _____	7. Bonded Debt Payment	\$ _____
3. Maintenance & Operation Exp.	\$ _____	8. Building Fund Expense	\$ _____
4. Pupil Transportation Expense	\$ _____	9. Dedicated Maint. & Op. Exp.	\$ _____
5. Other Operating Expense	\$ _____		

_____ Total Mills School Tax

The total tax levy proposed above includes _____ mills for the maintenance and operation of schools, _____ dedicated maintenance and operation mills dedicated for _____ purposes, and _____ mills for debt service previously voted as a continuing debt service tax pledged for the retirement of existing bonded indebtedness, and _____ mills as a continuing debt service tax or a proposed bond issue of \$ _____ which will be retired on _____. The district may use surplus revenues produced each year by debt service millage for other purposes.

Given this _____ day of _____, 20_____.

School District
County, Arkansas
President of Board
Secretary of Board

SAMPLE BUDGET IV

(For Districts Voting to Extend Existing Tax or Proposing to Increase Maintenance and Operation)

INSTRUCTIONS: Listed below is a suggested form for use in publishing the budget of the district and accompanying tax rate as required by Ark. Code Ann. § 6-13-622 and Amendment 74 of the Constitution of the State of Arkansas. The district should begin with the 2011-12 budgeted expenditures for the categories listed below and then project these expenditures to an amount estimated for 2012-13 school year.

	<u>2011-12 Budget</u>	<u>Estimate 2012-13</u>
1. SALARY FUND EXPENDITURES (2011-12 budget)	\$ _____	\$ _____
2. OPERATING FUND EXPENDITURES:		
A. Instructional Expense	\$ _____	\$ _____
B. Maintenance & Operation	\$ _____	\$ _____
C. Pupil Transportation	\$ _____	\$ _____
D. Other Operating Expenses	\$ _____	\$ _____
E. Non-bonded Debt (Schedules of Payments for 2012-13)		\$ _____
DEBT SERVICE EXPENDITURES (Schedules of payments for fiscal year 2012-13)		\$ _____
BUILDING FUND EXPENDITURES (Estimated for 2012-13)		\$ _____
DEDICATED MAINTENANCE & OPERATIONS (Estimated for 2012-13)	\$ _____	\$ _____

(This page is a work sheet only; the bottom half is to be used for publication)

------(Detach along this line)-----

PROPOSED BUDGET OF EXPENDITURES TOGETHER WITH TAX LEVY FOR FISCAL YEAR BEGINNING JULY 1, 2012 TO AND INCLUDING JUNE 30, 2013

The Board of Directors of _____ School District of _____ County, Arkansas in compliance with the requirements of Ark. Code Ann. § 6-13-622 and Amendment 74 of the Constitution of the State of Arkansas, has prepared, approved, and does hereby make public a proposed budget of expenditures for the district in 2012-13 together with a supporting tax rate as follows:

1. Salary Fund Expenditures	\$ _____	6. Non-bonded Debt Payment	\$ _____
2. Instructional Expense	\$ _____	7. Bonded Debt Payment	\$ _____
3. Maintenance & Operation Exp.	\$ _____	8. Building Fund Expense	\$ _____
4. Pupil Transportation Expense	\$ _____	9. Dedicated Maint. & Op. Exp.	\$ _____
5. Other Operating Expense	\$ _____		

_____ Total Mills School Tax

The total tax levy proposed above includes _____ mills for the maintenance and operation of schools, of which _____ mills is an increase for maintenance and operation of schools, _____ dedicated maintenance and operation mills dedicated for _____ purposes, and _____ mills for debt service previously voted as a continuing debt service tax pledged for the retirement of existing bonded indebtedness.* The district may use surplus revenues produced each year by debt service millage for other purposes.

*If the mills for more than one issue are rededicated, please identify each issue separately.

Given this _____ day of _____, 20____.

School District
County, Arkansas
President of Board
Secretary of Board

SAMPLE BALLOT I
(For Districts Proposing No Change of Mills)
OFFICIAL BALLOT FOR ANNUAL SCHOOL ELECTION
IN _____ SCHOOL DISTRICT OF _____ COUNTY, ARKANSAS

(Date)
VOTE BY PLACING AN "X" IN THE SQUARE OPPOSITE
THE PERSON FOR WHOM YOU WISH TO VOTE

BOARD OF DIRECTORS FOR _____ year term (unexpired)

VOTE FOR 1

POSITION
NO. _____

David P. Carter	()
James W. Hall	()
_____	()
(Write In)	

POSITION
NO. _____

BOARD OF DIRECTORS FOR _____ year term (regular)	
Mrs. Linda Williams	()
Charles Smith	()
_____	()
(Write In)	

VOTE ON MEASURE BY PLACING AN "X" IN THE SQUARE
OPPOSITE THE MEASURE EITHER FOR OR AGAINST

For Tax	()
Against Tax	()

_____ Total Mills School Tax

This represents no change from the previous year. The total tax levy proposed above includes _____ for the maintenance and operation of schools, _____ dedicated maintenance and operation mills dedicated for _____ purposes, and _____ mills for debt service previously voted as a continuing debt service tax pledged for the retirement of existing bonded indebtedness. The district may use surplus revenues produced each year by debt service millage for other purposes.

(Perforation)

LIST OF VOTERS NUMBER _____

SAMPLE BALLOT II
(Transfer of Mills)
OFFICIAL BALLOT FOR ANNUAL SCHOOL ELECTION
IN _____ SCHOOL DISTRICT OF _____ COUNTY, ARKANSAS

(Date)
VOTE BY PLACING AN "X" IN THE SQUARE OPPOSITE
THE PERSON FOR WHOM YOU WISH TO VOTE

BOARD OF DIRECTORS FOR _____ year term (unexpired)

VOTE FOR 1

POSITION
NO. _____

David P. Carter ()

James W. Hall ()

(Write In) ()

BOARD OF DIRECTORS FOR _____ year term (regular)

POSITION
NO. _____

Mrs. Linda Williams ()

Charles Smith ()

(Write In) ()

VOTE ON MEASURE BY PLACING AN "X" IN THE SQUARE
OPPOSITE THE MEASURE EITHER FOR OR AGAINST

For Tax ()

Against Tax ()

_____ Total Mills School Tax

The total tax levy proposed above includes _____ mills for the maintenance and operation of schools, _____ dedicated maintenance and operation mills dedicated for _____ purposes, and _____ mills for debt service previously voted as a continuing debt service tax pledged for the retirement of existing bonded indebtedness. The district may use surplus revenues produced each year by debt service millage for other purposes. This millage reflects a transfer of _____ mills to maintenance and operation previously pledged to a bond issue dated _____ to be retired on _____. THIS DOES NOT REFLECT AN INCREASE IN TOTAL MILLAGE.

(Perforation)

LIST OF VOTERS NUMBER _____

SAMPLE BALLOT III
 (For Districts Voting a New Bond Issue)
OFFICIAL BALLOT FOR ANNUAL SCHOOL ELECTION
 IN _____ SCHOOL DISTRICT OF _____ COUNTY, ARKANSAS

(Date)
 VOTE BY PLACING AN "X" IN THE SQUARE OPPOSITE
 THE PERSON FOR WHOM YOU WISH TO VOTE

BOARD OF DIRECTORS FOR _____ year term (unexpired) VOTE FOR 1

POSITION
 NO. _____

David P. Carter	()
James W. Hall	()
_____	()
(Write In)	

POSITION
 NO. _____

BOARD OF DIRECTORS FOR _____ year term (regular)	
Mrs. Linda Williams.	()
Charles Smith	()
_____	()
(Write In)	

VOTE ON MEASURE BY PLACING AN "X" IN THE SQUARE
 OPPOSITE THE MEASURE EITHER FOR OR AGAINST

For Tax	()
Against Tax	()

_____ Total Mills School Tax

The total tax levy proposed above includes _____ mills for the maintenance and operation of schools, _____ dedicated maintenance and operation mills, _____ mills for debt service previously voted as a continuing debt service tax pledged for the retirement of existing bonded indebtedness, and _____ mills as a continuing debt service tax on a proposed bond issue of \$ _____ which will be retired on _____. The district may use surplus revenues produced each year by debt service millage for other purposes.

 (Perforation)

LIST OF VOTERS NUMBER _____

SAMPLE BALLOT IV
 (Extending Existing Tax or Increasing Total Millage)
OFFICIAL BALLOT FOR ANNUAL SCHOOL ELECTION
 IN _____ SCHOOL DISTRICT OF _____ COUNTY, ARKANSAS

(Date)
**VOTE BY PLACING AN "X" IN THE SQUARE OPPOSITE
 THE PERSON FOR WHOM YOU WISH TO VOTE**

BOARD OF DIRECTORS FOR _____ year term (unexpired) VOTE FOR 1

POSITION
 NO. _____

David P. Carter		()
James W. Hall		()
_____		()
(Write In)		

POSITION
 NO. _____

BOARD OF DIRECTORS FOR _____ year term (regular)		
Mrs. Linda Williams.		()
Charles Smith		()
_____		()
(Write In)		

**VOTE ON MEASURE BY PLACING AN "X" IN THE SQUARE
 OPPOSITE THE MEASURE EITHER FOR OR AGAINST**

For Tax		()
Against Tax		()

_____ Total Mills School Tax

The total tax levy proposed above includes _____ mills for the maintenance and operation of schools, of which _____ mills is an increase for maintenance and operation of schools, _____ dedicated maintenance and operation mills for _____ purposes, and _____ mills for debt service previously voted as a continuing debt service tax pledged for the retirement of existing bonded indebtedness.* The district may use surplus revenues produced each year by debt service millage for other purposes.

*If the mills for more than one issue are rededicated, please identify each issue separately.

 (Perforation)

LIST OF VOTERS NUMBER _____